

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1006

AN ACT

AMENDING SECTION 28-454, ARIZONA REVISED STATUTES; RELATING TO DEPARTMENT OF TRANSPORTATION RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-454, Arizona Revised Statutes, is amended to
3 read:

4 28-454. Records maintained by department of transportation:
5 redaction; definitions

6 A. Notwithstanding sections 28-447 and 28-455, a peace officer,
7 prosecutor ~~or~~, code enforcement officer, VICTIM OF DOMESTIC VIOLENCE OR
8 STALKING OR PERSON WHO IS PROTECTED UNDER AN ORDER OF PROTECTION OR
9 INJUNCTION AGAINST HARASSMENT may request that persons be prohibited from
10 accessing the ~~peace officer's, prosecutor's or code enforcement officer's~~
11 PERSON'S residential address and telephone number contained in any record
12 maintained by the department.

13 B. A peace officer, prosecutor ~~or~~, code enforcement officer, VICTIM OF
14 DOMESTIC VIOLENCE OR STALKING OR PERSON WHO IS PROTECTED UNDER AN ORDER OF
15 PROTECTION OR INJUNCTION AGAINST HARASSMENT may request this action by filing
16 an affidavit that states all of the following on an application form
17 developed by the administrative office of the courts in agreement with an
18 association of counties, an organization of peace officers and the
19 department:

20 1. The ~~peace officer's, prosecutor's or code enforcement officer's~~
21 PERSON'S full legal name and residential address.

22 2. The position the ~~peace officer, prosecutor or code enforcement~~
23 ~~officer~~ PERSON currently holds and a description of the ~~peace officer's,~~
~~prosecutor's or code enforcement officer's~~ PERSON'S duties.

25 3. The reasons the ~~peace officer, prosecutor or code enforcement~~
26 ~~officer~~ PERSON reasonably believes that the ~~peace officer's, prosecutor's or~~
~~code enforcement officer's~~ PERSON'S life or safety or that of another person
27 is in danger and that redacting the residential address and telephone number
28 from the department's public records will serve to reduce the danger.

30 C. The affidavit shall be filed with the presiding judge of the
31 superior court in the county in which the affiant resides. To prevent a
32 multiplicity of filings, a peace officer, prosecutor or code enforcement
33 officer shall deliver the affidavit to the peace officer's commanding
34 officer, or to the head of the prosecuting or code enforcement agency, as
35 applicable, or that person's designee, who shall file the affidavits at one
36 time. In the absence of an affidavit that contains a request for immediate
37 action and that is supported by facts justifying an earlier presentation, the
38 commanding officer, or the head of the prosecuting or code enforcement
39 agency, as applicable, or that person's designee, shall not file affidavits
40 more often than quarterly.

41 D. On receipt of an affidavit or affidavits, the presiding judge of
42 the superior court shall cause to be filed with the clerk of the superior
43 court a petition on behalf of all requesting ~~peace officers, prosecutors and~~
~~code enforcement officers~~ AFFIANTS. Each affidavit presented shall be
44 attached to the petition. In the absence of an affidavit that contains a

1 request for immediate action and that is supported by facts justifying an
2 earlier consideration, the presiding judge may accumulate affidavits and file
3 a petition at the end of each quarter.

4 E. The presiding judge of the superior court shall review the petition
5 and each attached affidavit to determine whether the action requested by each
6 ~~peace officer, prosecutor and code enforcement officer~~ AFFIANT should be
7 granted. The presiding judge of the superior court shall order the redaction
8 of the residence address and telephone number from the public records
9 maintained by the department if the judge concludes that this action will
10 reduce a danger to the life or safety of the affiant or another person.

11 F. On entry of the court order, the clerk of the superior court shall
12 file the court order with the department. No more than one hundred fifty
13 days after the date the department receives the court order, the department
14 shall redact the residence addresses and telephone numbers of the ~~peace~~
15 ~~officers, prosecutors and code enforcement officers~~ AFFIANTS listed in the
16 court order from the public records of the department. The residence
17 addresses and telephone numbers shall not be disclosed and are not part of a
18 public record.

19 G. If the court denies an affiant's request pursuant to this section,
20 the affiant may request a court hearing. The hearing shall be conducted by
21 the court in the county where the petition was filed.

22 H. On motion to the court, if the presiding judge of the superior
23 court concludes that a residential address or telephone number has been
24 sealed in error or that the cause for the original affidavit no longer
25 exists, the presiding judge may vacate the court order prohibiting public
access to the residential address or telephone number.

27 I. Notwithstanding sections 28-447 and 28-455, the department shall
28 not release a photograph of a peace officer if the peace officer has made a
29 request as prescribed in this section that persons be prohibited from
30 accessing the peace officer's residential address and telephone number in any
31 record maintained by the department.

32 J. This section does not prohibit the use of a peace officer's
33 photograph that is either:

34 1. Used by a law enforcement agency to assist a person who has a
35 complaint against an officer to identify the officer.

36 2. Obtained from a source other than the department.

37 K. For the purposes of this section:

38 1. "Code enforcement officer" means a person who is employed by a
39 state or local government and whose duties include performing field
40 inspections of buildings, structures or property to ensure compliance with
41 and enforce national, state and local laws, ordinances and codes.

42 2. "DOMESTIC VIOLENCE" HAS THE SAME MEANING PRESCRIBED IN SECTION
43 13-3601.

1 2. 3. "Prosecutor" means a county attorney, a municipal prosecutor or
2 the attorney general and includes an assistant or deputy county attorney,
3 municipal prosecutor or attorney general.

4 4. "STALKING" MEANS THE COURSE OF CONDUCT PRESCRIBED IN SECTION
5 13-2923.